
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Caldwell County, NC)	File No.: EB-FIELDSCR-00014605
Owner of Antenna Structure No. 1258086)	
)	NOV No.: V201432640007
Lenoir, North Carolina)	
)	

NOTICE OF VIOLATION

Released: March 26, 2014

By the Resident Agent Norfolk Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Caldwell County, NC, owner of Antenna Structure Number 1258086 in Lenoir, North Carolina (Antenna Structure). Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On December 19, 2013, an agent of the Enforcement Bureau's Norfolk Office inspected the Antenna Structure, located atop Hibriten Mountain in Lenoir, North Carolina and observed the following violation):

47 C.F.R. § 17.4(g): "Except as described in paragraph (h) of this section, the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure." At the time of inspection, the ASR number was posted at the base of the Antenna Structure located at the top of Hibriten Mountain in Lenoir, NC. However, there was no ASR number posted at the locked gate that prohibits access to the top of the mountain, so the ASR number was not readily visible.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Caldwell County, NC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 308(b).

Federal Communications Commission

completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Caldwell County, NC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Caldwell County, NC with personal knowledge of the representations provided in Caldwell's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the owner's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Norfolk Resident Agent Office
1457 Mount Pleasant Rd., Suite 113
Chesapeake, Virginia, 23322

6. This Notice shall be sent to Caldwell County, NC at its address of record.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Luther Bolden
Resident Agent
Norfolk District Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).